## THE MICRO, SMALL AND MEDIUM ENTERPRISES DEVELOPMENT BILL, 2006

**लघु उद्योग मंत्री तथा कृषि और ग्रामीण उद्योग मंत्री (श्री महावीर प्रसाद):** महोदय, मैं प्रस्ताव करता हूं:

> कि सूक्ष्म, लघु और मध्यम उद्यमों के संवर्धन और विकास को सुकर बनाने और उनमें प्रतिस्पर्धा को बढ़ाने तथा उनसे संबंधित या उनके आनुषंगिक विषयों का उपबंध करने वाले विधेयक पर, लोक सभा द्वारा पारित रूप में विचार किया जाए।
>
> ...(**व्यवधान**)

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): Sir, we should have been given time before the Bill was introduced. *(Interruptions)*

**श्री महावीर प्रसाद:** आप डिस्कस करिए।

**श्री उपसभापति:** यह बिल तो पहले ही डिस्ट्रीब्यूट हो चुका है।

SHRI C. RAMACHANDRAIAH: Sir, micro, small and medium industries are the worst sufferers in this country; at the same time, these are the biggest employment creators. *(Interruptions)*

MR. DEPUTY CHAIRMAN: The Bill has been distributed earlier itself. ...*(Interruptions)* बिल पहले ही दे दिया है। The Bill has been distributed on Saturday. आप बिल के प्रोविज़न्स को एक्सप्लेन कीजिए।

**श्री महावीर प्रसाद:** वर्तमान में लघु उद्योग का उद्योग (विकास और विनियमन) अधिनियम, 1951 के केवल दो उपबंधों में वर्णन है। इन दो उपबंधों के सिवाय, देश की अर्थव्यवस्था के इस गतिशील और स्पंदनशील सेक्टर के लिए कोई विधिक ढांचा आज नहीं है। सरकार द्वारा समय-समय पर नियुक्त अनेक विशेषज्ञ समूहों या समितियों ने और साथ ही लघु उद्योग सेक्टर ने स्वयं, सेक्टर के संवर्धन और विकास सुकर बनाने के लिए लघु उद्योगों के लिए एक समुचित एवं व्यापक केन्द्रीय अधिनियम की आवश्यकता पर बल दिया है।

अब पूरे विश्व में उद्योगों के स्थान पर उद्यमों का महत्व बढ़ गया है। इसके अतिरिक्त यह बढ़ती हुई आवश्यकता महसूस की जा रही है कि लघु उद्यमों के लिए नीतिगत समर्थन का विस्तार किया जाए जिससे कि वे मध्यम स्तर के उद्यमों में विकसित होने व बेहतर प्रौद्योगिकी अपनाने में समर्थ हो सकें और तेजी से बढ़ रहे वैश्वीकरण के वातावरण और विकास में भी प्रतिस्पर्धी बने रहें।

**उपसभाध्यक्ष (प्रो॰ पी॰जे॰ कुरियन) पीठासीन हुए**

साथ ही, हम सूक्ष्म (माइक्रो) उद्यमों के विस्तार के भी पक्षधर हैं, अत: जैसे कि विकसित और बहुत से विकासशील देशों में प्रचलित है, भारत में भी समस्त सूक्ष्म, लघु और मध्यम उद्यमों को एकीकृत रूप से ध्यान दिया जाए और इस सेक्टर के लिए एकल विधिक ढांचे को उपलब्ध किया जाए।

इन परिस्थितियों को ध्यान में रखते हुए, विधेयक का लक्ष्य सूक्ष्म, लघु और मध्यम उद्यमों के संवर्धन और विकास को सुकर बनाना तथा उनकी प्रतिस्पर्धात्मकता में वृद्धि करना और अन्य कुछ उद्देश्यों के लिए उपबंध करना है। इस विधेयक में हमारे मूलत: आठ लक्ष्य हैं:

1. सूक्ष्म उद्यम, लघु उद्यम और मध्यम उद्यम की कानूनी परिभाषाओं के लिए उपबंध करना;

2. एक राष्ट्रीय सूक्ष्म, लघु और मध्यम उद्यम बोर्ड के रूप में इन उद्यमों के विकास के लिए नीतियों और कार्यक्रमों का अवलोकन और उन पर सिफारिशें करने के लिए एक उच्च स्तरीय मंच की स्थापना के लिए उपबंध करना;

3. संयत्र और मशीनरी या उपस्कर में विनिधान के आधार पर सूक्ष्म, लघु और मध्यम उद्यमों के वर्गीकरण तथा उनके सर्वांगीण विकास संबद्ध विषयों पर सिफारिश करने के लिए एक सलाहकार समिति की स्थापना के लिए उपबंध करना;

4. सूक्ष्म, लघु और मध्यम उद्यमों के संवर्धन और विकास को सुकर बनाने तथा उनमें प्रतिस्पर्धा बढ़ाने के लिए कार्यक्रमों, मार्गदर्शक सिद्धांतों या अनुदेशों को अधिसूचित करने व कोई निधि सृजित करने के लिए केन्द्रीय सरकार को सशक्त करना;

5. भारतीय रिज़र्व बैंक के मार्गदर्शक सिद्धांतों या अनुदेशों के अनुसार सूक्ष्म, लघु और मध्यम उद्यमों के लिए उनमें रुग्णता को कम करने हेतु ऋण की उपलब्धता का ठीक समय से और सुचारू प्रवाह सुनिश्चित करने और ऐसे उद्यमों की प्रतिस्पर्धात्मकता बढ़ाने के लिए उपबंध करना;

6. मंत्रालयों, विभागों और उपक्रमों द्वारा सूक्ष्म व लघु उद्यमों द्वारा उत्पादित माल और उपलब्ध कराई गई सेवाओं की प्राथमिकता पर खरीद के लिए नीतियों को अधिसूचित करने के लिए केन्द्रीय सरकार और राज्य सरकारों को सशक्त करना;

3 P.M.

7. सूक्ष्म, लघु और आनुषंगिक औद्योगिक उपक्रमों को विलंबित भुगतान पर ब्याज अधिनियम, 1993 में और सुधार करना तथा उस अधिनियम को प्रस्तावित विधान का भाग बनाना;

8. सूक्ष्म, लघु और मध्यम उद्यम, जो कम्पनी एक्ट में कम्पनियां न हो, के कारोबार बंद करने की प्रक्रिया को सुकर बनाने के लिए भारत सरकार को इस अधिनियम के प्रारम्भ होने के एक वर्ष के भीतर एक योजना बनाने के लिए सक्षम बनाना।

लघु एवं मध्यम उद्यम विकास विधेयक, 2005 दिनांक 12 मई, 2005 को लोक सभा के समक्ष प्रस्तुत किया गया और इसके पश्चात इसे जांच एवं रिपोर्ट हेतु डिपार्टमेंट-रिलेटिड पार्लियामेंट्री स्टैंडिंग कमेटी को विचार करने हेतु भेज दिया गया। सभी संबंधित वर्गों के प्रतिनिधियों के साथ विस्तृत चर्चा के बाद समिति ने 4 अगस्त, 2005 को अपनी रिपोर्ट प्रस्तुत की। तद्नुसार बिल में संशोधन के लिए इस पर मंत्री समूह (ग्रुप ऑफ मिनिस्टर्स) द्वारा विचार करने का निर्णय लिया गया। मंत्री समूह द्वारा की गई सिफारिशों व अन्य माननीय सदस्यों द्वारा दिए गए सुझावों को ध्यान में रखते हुए इस विधेयक में कुल 66 संशोधन किए गए व अब उन संशोधनों सहित लोक सभा में पारित होने के पश्चात यह सूक्ष्म, लघु एवं मध्यम उद्यम विकास विधेयक, 2006 आपके समक्ष है।

मेरा विश्वास है कि यह विधेयक सूक्ष्म, लघु और मध्यम उद्यमों के संवर्धन और विकास में सहयोग देगा और उनमें प्रतिस्पर्धात्मकता को बढ़ाएगा।

अत: मैं इस विधेयक को इस सभा के समक्ष विचार और पारण के लिए प्रस्तुत करता हूं।

*The question was proposed.*

SHRI TAPAN KUMAR SEN (West Bengal): Mr. Vice-Chairman, Sir, while supporting the Bill, at the outset, I would like to offer my sincere thanks to the Minister for incorporating some vital important changes pertaining to labour and inclusion of the tiny sector in the original Bill, as it was introduced, before it has been passed by Lok Sabha. The original Bill contained certain problematic anti-labour clauses. We are thankful that those have been dropped at our request. Sir, I would like to draw the pointed attention of the House, through you, Sir, to this Bill that micro and small-scale sector deserves preference, patronage and protection as the Minister has just now explained. It is the sector whose contribution to the employment generating growth and better distributive impact on the society is, or, in other words, 'aam aadami-oriented growth' is much more

as compared to the virtually jobless or job loss pattern of exercise carried on in the large-scale sector. But still our agony is that as per present economic policy prescriptions, the small-scale got a raw deal whereas concessions are mainly showered on the large-scale sector. Sir, the Bill seeks to facilitate, to address some of these issues. The Bill seeks to facilitate promotion, development, and enhancement of competitiveness for the micro, small and medium enterprises as enumerated in clause 9 (1) of the Bill. But what is the situation that I found here in that, Sir? The reality is that despite small-scale sector is growing consistently in production, employment generation and growth, but the fact remains again that it is this sector which is the victim of the worst kind of industrial sickness in the country. We do not have official data. We immediately give data of what is the extent of sickness in large-scale units or registered units. But we do not have even data on such small scale industries. The fact remains and many studies have shown that there are half a million closed and sick units in the country and the overwhelming majority of them are in the samll-scale sector and the medium sector. That was because of the discriminatory policy that they face and because of, I quote, "credit, infrastructural facilities, technological lags and marketing constraints." These are the areas, which have been identified by the current Economic Survey 2005-06 itself. These are the constraints before the small-scale sector. Now we are saying that the Bill is aiming at makes the small scale sector competitive and they are to be strengthened. But, unfortunately, the actions are being taken just in the opposite direction. Will the Bill consider in reversing those anti-SSI actions? The de-reservation for items are going on since 1997. Already 500 odd items have been de-reserved from the reserved list for the small scale sector. The very concept of reservation was introduced possibly during the Third Plan period which has resulted a tremendous growth of small and medium scale industries in the country and which had contributed a lot to the country's development. But these are being de-reserved consistently from 1997, despite opposition. Already 500 odd have been reserved. This de-reservation, you know, is the consequence of the pro-active initiatives of the Government to offer pleasantaries to the WTO ideologies. But, at the same time, that is being sought to be camouflages by the so-called theory that this de-reservation will help the SSI to grow. Sir, actually what is happening? Because of de-reservation, the small scale, units operating in the de-reserved segments, lost their capacity to bargain, negotiate

terms with the large scale sector, multi-national corporations and big traders in the areas which they normally supply and service as ancillaries or as a vendor. They are losing their capacity to negotiate terms with them and delayed payment which is one of the problems that have been identified in the Bill. This is also one of the major reasons. After de-reservation, everybody can enter into that sector. Large-scale sectors are entering into those sectors in proxy, under the garb of a small-scale sector and negotiating with other small-scale industries the terms of supply, and the price. They give them a depressed price. They have just no other go. Many of the small-scale units are being compelled to make a distress sale on their product. Just on a barely no-profit, no loss level and that way many are facing unviability and that is precisely the reason for so much sickness in that sector, despite that also they are contributing in terms of production, in terms of employment generation etc. So, in order to make, at least, the objective enumerated in Section-9 of the Bill meaningful, make the intention materialise on the ground that de-reservation has to be withdrawn, the items already de-reserved have to be restored in the reserved list, and there must be a complete moratorium of further de-reservation. I request the Minister to give an assurance in the House. Secondly, Sir, I seek to draw your attention that Section 11 of the Bill has mentioned about the policy of preference in respect of procurement of goods and services produced by small scale sector, or micro sector for the Central Government departments, Ministries and PSUs. Again, Sir, only saying this, is not enough. What will be the modality of that preference policy, that instrument? That is required to be statutorily defined. Otherwise, that will be misinterpreted in everybody's wisdom and in a manner, sometimes citing WTO conditionalities, sometimes citing many other rules of markets while offering these things. So, it requires to be statutorily defined. What are the modalities of preference, the price preference, purchase preference for the small scale and medium scale sectors? Small Industries are required to be allowed a higher price compared to the large-scale competitor and an assured order book, definitely, subject to fulfilment of the quality specification. This is required to be statutorily defined. Sir, there is room for apprehension. You have seen. It is not that this concept of price or purchase preference is new in the Indian economy. It was there. We have seen how the Government one after another, successive Governments—I do not mention a particular Government, —had dismantled, done away with that system of price

preference and purchase preference in respect of some of the public sector units, particularly, in the intermediate and capital goods sector which were established originally only to supply the basic infrastructural sector in the Government, in the Central Government, in the State-Government. But, in the name of indulging in competition, in the name of encouraging competition, those policies are being done away with one-by-one by pushing those industries, PSUs, which are originally dedicated to supply to a particular sector towards sickness. They cannot go to the market. They don't produce consumer goods. So, they have been pushed towards sickness and some towards closure. when you talk about preference policy, it must be defined statutorily. If it goes by an executive order, it is destined to fall flat and the whole purpose, the whole objective can never be materialised unless that is statutorily be defined. It cannot be left to the executive decision.

The third point is this. Also, the same preference policy is required to be extended in respect of infrastructure support. The infrastructure support was talked about in the Bill, like electricity etc. There are any numbers of examples. Big industries, big corporate houses go scot-free without paying electricity bill for three years. And, subsequently, the interest involved is waived of. But, for Small-Scale Sector, even if it is seven days lapse, your line is cut. So, it is required to have preference policy for infrastructure support, for electricity, for water and also in the area of taxation. They need a concessional rate on excise duty on the product they produce, on the Value Added Tax, on the product and services the small, medium and micro-scale sectors provide. There may be some loss to the revenue. That loss is worth incurring. In the sense, in return, they generate more employment. They will ensure a horizontally inclusive growth pattern in the industrial economy and not the jobless growth at all. Sir, jobless growth results in high-profit to a few, nothing to the people. This Government, in its NCMP, have committed for an *aam admi-oriented* growth. And, for that, this concession, again, be made as a statutory provision. Otherwise, mere giving statements will not bring any result. Again and again, the history of our experience says that if you leave it to the executive order that becomes a subject of misinterpretation and mishandling.

Sir, the fourth point I would like to point out is the most crucial one. It is the matter of credit. Clause 10 of the Bill provides about the progressive credit facilities to the SSI sector. Again, that is required to be defined

statutorily. The concerned Clause in the Bill says guidelines or instructions being issued from time to time by the Reserve Bank of India regarding the flow of credit to the SSI for progress. But, what is the result of guidelines, instructions issued by the Reserve Bank of India in getting the credit to the SSI sector? What is the result? Many may claim that priority sector lending has increased by absolute number. But the fact remains—this is not only my personal observation but it is the observation made by the RBI— that those guidelines could bring no relief at all. Not only that, that has created an unjust and unfair structure. The large-scale sector is now enjoying cheaper credit at the cost of the SSI sector. This is the picture that has emerged in the entire period. You go through the observations/analyses made by the RBI on the 'Trends and Processes of Banking.' If that observation is analysed, this will become clear that permanent pattern has developed in the whole of the credit market that the bigger players are enjoying a cheaper credit, whereas the SSI sector, agriculture, weaker sections of the society are getting a raw deal in the form of costlier credit and with so many conditions. Even in our banking system, the Basel Norm has been introduced in the name of best banking practice by Washington consensus..(time-bell)... Sir, I am going to finish. That Basel Norm requires that the Small-Scale sector also be rated by an accredited credit agency to enable it to get loan. Normally, those credit agencies treat the large-scale sector and the small-scale sector at par. As a result, it is very clear, as we are saying, that the cheaper credit goes to the big players and the small companies are suffering. Sir, I would like to quote in this regard a RBI study published in the RBI Bulletin, October, 2003 where 76 companies,—1267 companies have been non-financial private sector companies have been looked into—of them 76 companies whose paid-up-capital is less than Rs. One crore, have found their interest burden increased by 1.3 per cent in a span of one year. Whereas in the same one year span, the companies having a paid-up-capital of Rs. 25 crore and above have got a relief in their interest burden by 13.1 per cent, but for the big companies, and that too a big number, they got 13.1 per cent benefit in terms of their interest burden. What does it signify?

I again quote from the same RBI Report on Trend and Progress of Banking 2004-05, "The public sector banks failed to achieve the various sub-targets under priority sector lending, that is, sub-targets for agriculture, tiny sector and small sector, advances to weaker sections and targets for differential rate of interest scheme. The performance of private sector

banks remained even less satisfactory with 12 out of 30 private sector banks failing to achieve the target." In this background, please also note the observation made by the same RBI Report, that the sub-PLR rate of lending, that is, lending below the rate of prime lending rate decided, that the share of sub-PLR lending in the total commercial credit has increased from 50 to 60 per cent in one year span again. If we put this along with just the previous survey of the same RBI Report on different companies, the interest burden increase and increase burden reduction, if we put these two Reports together, it is clear that the credit at below the lending rate, the entire benefit has been cornered totally by the large scale sector and the burden of that has fallen on the small scale sector. So, Sir, the progressive credit facility should not allow this kind of injustice. That is why, that is to be clearly, statutorily defined in this form. If it is progressive, it has to be a concessional rate of interest, and an assured credit flow for the micro, small and medium scale sector. It has to be statutorily defined. And, at the same time, Sir, I suggest on the basis of practical suggestions of the small scale sector people, that again you just cannot bracket the tiny, that is, micro, small and medium together and tackle their credit requirements. You have to deal it separately because each of these sectors are having different problems and different predicaments. They are to be treated separately and, accordingly, that preference has to be put in action, just not by statement in the Bill. Otherwise, if these are not done, these statements will merely remain a pious hope.

The last point it this. Nobody knows, I again repeat what is the economic status of the thousands, lakhs of small-scale units in the country. We need an agency. We have the BIFR for the organised sector. At least, we can say how many industries are sick, how many industries are sound and what is the status of revival. We feel that for the micro, small and medium sector some such agency is required to be established just like the BRPSE, which is looking after the health of public enterprises. Some such agency is required to be established to see that this law is properly implemented. This is number one. Secondly, take care of the sickness of the small-scale units in the incipient stage and guide them towards revival. This is what is required.

With these suggestions, Sir, I again reiterate that the intentions in the clauses of the Bill are to be concretised not by an executive order, but with a statutory force, if we are really serious in putting the intentions of

the Bill in effect and, thereby, make this Small Scale sector meaningfully contribute to the well-being of our country. Till today, the small and medium scale sectors are good tax payers; till today, they are not defaulters of loans. Or the 1, 20,000 crores of rupees of NPAs, the share of small and medium scale sectors is less than six per cent, but, still, they get raw deals, whereas the biggies go on scot-free by evading taxes and also by not paying their dues to banks. With these suggestions, I request the Government to incorporate these ideas in terms of a concrete action. With this, I support the Bill. Thank you.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): I think the Finance Minister should have heard his speech. I hope he will take a note of it. Now, Shri E.M. Sudarsana Natchiappan.

SHRI E.M. SUDARSANA NATCHIAPPAN (Tamil Nadu): Sir, I rise to support this Bill, and, I appreciate the effort of the hon. Minister Shri Mahavir Prasad, and, also the Government for taking an appropriate action at an appropriate time, because there is a feeling growing throughout India that the micro, small and medium industries have been totally neglected by the Government. There is also a feeling that their grievances were not properly heard by the agencies or the Government and there was no redressal system to deliver them from their grievances. These are all the aspects which have been addressed by this particular Bill. He is a Minister of the Cabinet rank, he is also the *ex-officio* Chairperson of the Board, which allows a person to come forward and put his views. The Government has got the first-hand impression, or, first-hand knowledge of various problems which are faced by these industries. Therefore, the very pith and substance of this particular law is very much is clauses 5,9,10,11,12 and 13. These are very important aspects which have been taken into consideration by this Government, as has been mentioned by my earlier speaker, about it. Madam Soniaji has made this Government for aam admi and aam admi's issues, one after another, are now being taken into consideration by this Government, and this law is another stepping stone towards that goal. The clause 5 which deals with functions of Board very clealy says, "examine the factors affecting the promotion and development of micro, small, and medium enterprises, and review the policies and programmes of the Central Government in regard to facilitating the promotion and development and enhancing the competitiveness of such enterprises and the impact thereof

on such enterprises. "This is a very important aspect, because, this body is consisting of various members who are involved in these enterprises, and also the Members of Parliament and various State Governments and Secretaries of various Departments. Therefore, it has got a very comprehensive body which can take decisions then and there, and, they are going to have a direct contact with the persons who have direct knowledge of their own problems. Previously, the Government used to seek interference then and there by various associations of different categories. They didn't have any statutory support. But, by passing of this particular Bill, for the first time, the particular industry which needs a motherly affection and protection by the Government will be given a chance to be heard, and, not only of hearing, but also of solving the problem. That is the main intention of this Bill I could find out from this sub-clause 5 (b) which says, "make recommendations on matters referred to in clause (a) or, any other matter referred to it by the Central Government which, in the opinion of that Government, is necessary or expedient for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises."

Therefore, this creates very broad aspect on which different sectors can be having a direct interface with the Government. Sir, another body is also created, that is, Advisory Committee, which is also very much having experts from different fields who are going to give then and there their clear advice to the Board so that they can have clear vision in solving problems. Sir, one another provision is for Facilitation Council separately for the industry and also for the micro and small enterprises. This is also very good aspect by which it can establish one or more centres in different areas. But here I feel that the medium industry is missed in that particular provision. I hope that that will also be addressed because when it is clearly given 'micro or small industry', the medium industry is included in this particular aspect of the Facilitation Councils. Sir, to make viable these recommendations, it has taken into consideration clause 9 which takes measures for promotional development. Presently, this aspect is missing, Young graduates, technical graduates, engtineers and other people are also plunging into the small scale and micro level industries. But they need a lot of encouragement by the Government. They should also have the latest knowledge to market their goods. Here marketing is also one of the aspects even though the word 'market' is not used anywhere. Only words

'production', 'services' are mentioned in various clauses. I feel the marketing is also very important. The marketing aspect should also be taken into consideration. The goods or the products or the services are not only for the particular State or particular area but for the entire nation, not only for the nation but also for the Asian continent or the international global level. It is classified that industries having investment between Rs. 25 lakhs and below will be made micro enterprises; between Rs. 25 lakhs and Rs. 5 crores will be made small enterpries and between Rs. 5 crores to Rs. 10 crores will be made medium enterprises. Therefore, they have got a very good opportunity to export their products and services to various countries. Due to facilities provided by the World Trade Organisation, we can cope up with the competitiveness and we can also market the goods and services of these enterprises in more than 140 countries. They will be benefited by it. When such a thing happens, there should be some protective mechanism by which this body, which is going to be manned by the Minister, is going to help them in promoting and developing industries and services. One more aspect is credit facility. This aspect is very much faced by enterprises. Sir, the State enterprises are in financial crunch. There were many during the Third and the Fourth Five Year Plans. Many separate industrial funding agencies were created at the State level. They lent on very high interest, but they could not continue their financial help when there was default on the other side and they could not get back their money. The enterprises also die at that stage itself. The industrial sector and also the financial sector could not manoeuvre that particular condition. Therefore, this type of credit facility and guidance will be very much helpful for reviving the type of agencies which are dying in various States. Sir, the sick industries is also a very important aspect. It is also addressed here. Clause 11 says about the procurement preferences policy. Here the opportunity is given to parties to mention the problems they are facing.

Another aspect that is addressed is funds; how the Central Government is going to give the funds for this particular aspect. It is there is clause 12, and, in the coming Budgets, we have to see whether we are getting the funds from the Central Government or not. Since the banks and financial institutions are having their representation in the National Board, I feel, they will be motivated and the Indian Banks Association is also getting the representation at the highest level, therefore, they can have the policies.

Sir, kindly see the NPA position in various micro, small and medium industries. The NPA is very, very low if you compare it with the industries which are borrowing more than one crore, for the last five years. But, those who borrow below one crore, were very, very prompt in paying the money. There was minimum NPA. When you compare it with the agriculturists also, there is no NPA at all in various banks.

Therefore, they should appreciate that, and, they should not go only to the corporate sector, which are in a position to raise money from the market and other things, but to these small industries as well, which cannot go to the market to raise money. They don't have the participation by the shareholders. They have to get money only through the financial institutions and through the aid of the Government. Therefore, the provision in clause 13 is also very much relevant for giving grants by the Central Government, then and there, according to the needs of the particular industry.

Sir, I am very happy that this Bill addresses another important issue, and, that is the Centre providing Alternative Dispute Resolution Services. Many of the enterprises are locked up in the disputes, that is, there are cases pending in civil courts or criminal courts. Here, a clear provision is given to have the Alternative Dispute Resolution method, conciliation method, or the arbitration method. These are all provided in the Act itself. That will be very, very useful for the people to solve their problem then and there. Sir, I have to sum up saying that there is a provision to hold a meeting, at least, thrice a year. But it should not go into the hands of the bureaucrats and it should not be like other routine meetings, that is, having some minutes of the meetings, going through them, and, then, passing the resolutions. It should be an active, dynamic and also the pro-active forum, as this particular Bill gives a soul, a heart to this particular industry which was neglected, which is facing death. And, now, it is going to be rejuvenated, and, it is going to be revitalised by passing this Act, by the Parliament.

With these words, Sir, I appreciate the effort of the Government, and, more specifically, the hon. Minister who has got the grassroot knowledge of the problems faced by the general public. Finally, Sir, I would like to say something on the issue of Office of Profit. I would like to know whether that has also been taken into consideration. Sir, when the Minister in charge of the Ministry, Membets of Parliament and various

others are going to be members of the National Board for Micro, Small and Medium enterprises, it should not be attracted by the Office of Profit. That should be looked into. Sir, this is a very well-intentioned piece of legislation and we are going to become a prosperous India in micro, small and Medium enterprises. Thank you.

DR. P. C. ALEXANDER (Maharashtra): Sir, let me also begin by congratulating the hon. Minister, my esteemed friend, Mr. Mahavir Prasad, for bringing forward this legislation. For nearly two or three decades, the small industrialists in this country have been asking for a proper legislation to back up the various development programmes. The subject of a statutory backing for development programmes has been discussed umpteen times in various forums of hon. Ministers from the State Governments, at the meetings of the Small-scale Industries Board, but always, there have been objections and that had caused tremendous delay.

I am very happy that, at last, the Minister has been successful in his efforts and he deservers congratulations. But, I am going to say something which will disappoint the Minister, and, that is, I am very unhappy about clubbing medium industries with small industries and micro industries. The definition for Small-scale industries, micro industries and medium industries, as provided in the Act will itself show why this type of a clubbing-together is not a very happy one. Micro industries are those with an investment of less than Rs. 25 lakhs in plant and machinery; small industries are those with an investment of less than Rs. 5 crores and medium industries are those with an investment of less than Rs. 10 crores. These constitute different groups with very little common programmes or common problems. And, when we tackle the problems of the small men engaged in industries, we will have to tailor the programme to suit the demands of these people. I am strongly of the view that an investor who can afford to have Rs. 10 crores investment in plant and machinery, will have very little common with an investor in small industry who may have only Rs. 2 crores or 3 crores at the most. Why do I say that the medium industry should not be clubbed with the small industries? I would crave the indulgence of the Hon'ble members to listen to me about the history of Small industries development in our country. If you go back to 1954-55 or the second half of the 50s, and if you refer to the files of those days, you will be impressed with the fact that one of the most important

motivations which guided the Government at that time to bring up programmes specifically for small industries was to create a new class of small entrepreneurs in this country. You will see from the notes in these files of those periods that discussions have been based on the inter-linkage between democracy and small industrialists. After independence, it was found that after stopping imports, after imposing restrictions on not only imported machinery and raw materials, but also on consumer goods such policies benefited only those who had the money to invest. A set of people with long experience in managing industries, may be jute mills or textiles, and another set of people, who happened to find large resources at their command through the abolition of *zamindari* and other such reforms undertaken by the Government, put their money in industrial development. The number was limited but they reaped advantage. And, the Government, at that time, realised that for the strength of our economy, we should have a large under-structure of small entrepreneurs, and that was the number one reason given for the development programmes especially designed for stimulation of entrepreneurship, creation of new entrepreneurship. We seem to be forgetting that motivation or that principle in the legislation that has been brought about. We want to bring in a new class of industrial entrepreneurs who never had any affinity even with industries except as consumers and that is the basis of the programme. Of course, we wanted to have some industrial contribution, contribution to the industrial wealth from this class also. But the stimulation of entrepreneurship was one of the important reasons. Banks in those days would advance funds only to those who would be able to convince the bankers that they are really not in need of money. The banker would give money only if the big man convinces him that he does not need any money, he will produce all the statistics about his wealth.

But the small man had nothing to offer. That is why the Government thought of an integrated programme which would combine credit facilities, supervised credit, accommodation in industrial estates, technical assistance on what industries to start, management assistance, training etc. A sort of a package deal was brought out by the Government and that resulted in the creation of a network of small entrepreneurship all over the country. Originally, industries were located only in the big metropolitan cities. But, in the course of 10—15 years, small industries came up all over the country, in small and big towns, even in rural areas,

and new entrepreneurship was developed. That was the greatest benefit which the small industry movement conferred on this country. Unfortunately, I have a lurking fear in my mind that by combining very small people who are called tiny industries or village industries and the small industries and the medium industries, we will be watering down that old philosophy of stimulation of new entrepreneurship among people who are not in a position to start industries on their own. I would therefore earnestly request the Minister to take some opportunity, not immediately—because you are anxious to get the legislation passed, and you will certainly get it passed—but at some stage in your official career, not very late, to deliberately delink the small industries from the medium industries. They need a different type of assistance, and the Government should provide that type of assistance which they would appreciate better. Mr. Natchiappan had said that the medium industries had been deliberately kept out of the Government-purchase programme. He wanted medium industries to be added to the law, the legislation before it. I am glad and I congratulate the Minister for keeping medium industries out of preferential treatment which small industries get. For heaven's sake, please, give this treatment exclusively to small industrialists and not part this benefit with or not try to pass on this benefit to the big people who are already in a position to take care of themselves. My philosophy is let not what is intended for the sparrows be allowed to be eaten away by the crows. We should have missionary approach to the whole programme, and we will try to protect as the guardians of the small men in this country who have chosen this. My next submission is...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Dr. Sahab, due to shortage of time could you.

DR. P.C. ALEXANDER: I must crave your indulgence. It is my habit to sit down even before a remind bell. I have never heard the bell striking. But you should remember that the person who is speaking on small industries is one who had been a Development Commissioner for...

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): I know, Sir. I know that is why I am not ringing the bell. That is why I am hesitating from ringing the bell.

DR. P.C. ALEXANDER: ...spreading the message of Indian small industries' development to all developing countries in the world. Therefore, I crave you indulgence to allow me a few minutes more.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): I am fully aware that is why I am not ringing the bell.

DR. P.C. ALEXANDER: My second point to the hon. Minister is when you define main points about the development programme in clause 9, why have you left out industrial estates? You have mentioned many other things there as the cardinal core content of the development programme. I thought India was a country which made the best use of the industrial estate in developing entrepreneurship in sectors which never had any experience of it. Industrial estates have been one of our most important success stories in the development programmes, and I thought that that deserved a very special mention under that. I would also underline the importance of credit. Particular mention has been made about clause 12 where one or more special Funds have to be created.

I only hope that these will not be opened-ended funds, but funds with a definite and deliberate programme, directing them to the needy pockets of the really small and deserving industrialists. Finally, I have to conclude.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): We have to conclude this by 4.00 p.m. That is my constraint. Otherwise, I would have never done that.

DR. P.C. ALEXANDER: Finally, Sir, clause 7 refers to the possibility of bringing in employment criterion for classification, I would very strongly advise the hon. Minister to discard that thought from him. We originally started with Rs. 5 lakhs as capital investment in land, machinery and plant and 50 as employment limit. But the experience shows that this was limiting the scope for employment and, therefore, we removed the employment criterion. Therefore, I would earnestly suggest that when you revise the classification, let this not be a guideline for you or policy-making. We should never think of bringing back something which we have found to be counter-productive. Thank you, Mr. Vice-Chairman, Sir, for your indulgence.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Thank you Dr. Alexander. Now, Mr. Surendra Lath.

DR. K. MALAISAMY (Tamil Nadu): Sir, what about me?

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): You see, we have to finsh it by 4.00 p.m.including the reply.

DR. K. MALAISAMY: Sir, I would take only two minutes.

THE VICE-CHAIRMAN (PROF. P.J. KURIAN): Okay. So, I would request Mr. Lath to take only five minutes.

SHRI SURENDRA LATH (Orissa): Sir, how can I take five minutes only? No, Sir. How can I take five minutes only?

उपसभाध्यक्ष महोदय, माननीय मंत्री महोदय जो माइक्रो स्माल एंड मीडियम एंटरप्राइज़ेज़ डेवलपमेंट बिल, 2006 बिल लाए हैं, उस पर बोलने के लिए मैं खड़ा हुआ हूं।

महोदय, यह जो बिल लाया गया है, यह छोटे, मझले और माइक्रो, उद्योग, के विकास के लिए लाया गया है। इसके पहले इस प्रकार का कोई कम्पेजिट बिल नहीं था, केवल उद्योग (विकास विनियम) अधिनियम 1911 की धारा 11 (ख) के अधीन परिभाषित था, जिसमें कुछ वस्तुओं के निर्माण में आरक्षण की व्यवस्था की गई थी।

महोदय, अभी तक किसी भी कानून में लघु उद्योगों को ठीक ढंग से परिभाषित नहीं किया गया था। मुझे खुशी है कि इस बिल में लघु तथा मध्यम उद्योगों, छोटे और ग्रामीण उद्योगों को अलग से परिभाषित किया गया है।

महोदय, लघु उद्योग एक ऐसा क्षेत्र है, जो देश की अर्थव्यवस्था में ही नहीं, बल्कि सामाजिक जीवन में भी एक महत्वपूर्ण भूमिका निभाता है। आज देश में रजिस्टर्ड तथा अनरजिस्टर्ड एक करोड़ बीस लाख से अधिक उद्योग काम कर रहे हैं, जिनमें लगभग तीन करोड़ से अधिक लोगों को रोजगार मिलता है। इन उद्योगों का उत्पादन चार लाख करोड़ से अधिक है और निर्यात करीब 85 से 90 हजार करोड़ रुपए का है, जो देश के कुल निर्यात का करीब 35 प्रतिशत है। अगर हम इनडायरेक्टली, जो वस्तुएं निर्यात की जाती हैं, उनको भी लेंगे, तो इस क्षेत्र से करीब 50-55 प्रतिशत निर्यात होता है।

महोदय, यह एक ऐसा क्षेत्र है जो कृषि के बाद देश में सबसे अधिक रोजगार उपलब्ध कराता है। लेकिन, यह दुख की बात है कि जितना महत्व इस क्षेत्र को दिया जाना चाहिए था, वह नहीं दिया गया। आज के इस ग्लोबलाइजेशन के युग में जब WTO रिजीम में मार्किट इकॉनमी के आने के बाद छोटे उद्योगों को विश्व बाजार में प्रतियोगिता का सामना करना पड़ रहा है, ऐसे में यह आवश्यक है कि इस क्षेत्र को ठीक ढंग से संरक्षण मिले। महोदय, यह सर्वविदित है कि लघु उद्योगों के माध्यम से ही सबसे अधिक रोजगार उपलब्ध हो सकता है। आज देश की सबसे बड़ी समस्या बेरोजगारी है। देश की जनसंख्या बढ़ती जा रही है, किन्तु रोजगार के अवसर घटते जा रहे हैं। महोदय, इन छोटे-छोटे उद्योगों के माध्यम से ही केवल रोजगार की समस्या का समाधान हो सकता है। आज एक हजार करोड़, दो हजार करोड़ के जो उद्योग स्थापित हो रहे हैं, इनमें सारा काम आटोमैटिक रूप से हो रहा है। और उसमें कम से कम रोज़गार उपलब्ध हो रहा है। आज

स्थिति यह है कि जब हम विश्व बाज़ार में अपने उत्पाद की बात करते हैं, तो ये जो बड़े उद्योग हैं, ये छोटे उद्योगों की सहायता से ही अपने उत्पाद को विश्व बाज़ार में ठीक ढंग से पहुंचा सकते हैं। हमें इन छोटे उद्योगों के माध्यम से ही अधिक उद्योग एवं अधिक रोज़गार उपलब्ध हो सकेगा।

महोदय, इस विधेयक में लघु एवं मध्यम उद्योगों को जो परिभाषित किया गया है,, उसके बारे में मेरा यह कहना है कि इसमें माइक्रो इंडस्ट्रीज या टाइनी इंडस्ट्रीज अथवा छोटे-छोटे ग्रामीण उद्योग तथा मझले उद्योगों को एक साथ जोड़ दिया गया है। अगर हम आज देखें तो इन सबकी समस्याएं अलग-अलग हैं। एक उद्योगपति या उद्योगकर्ता, जो 10 लाख रुपये की इन्वेस्टमेंट से छोटा उद्योग लगाता है, दूसरी तरफ एक व्यक्ति 10 करोड़ रुपये की लागत से उद्योग लगाता है और एक और व्यक्ति एक करोड़ रुपये की इन्वेस्टमेंट से उद्योग लगाता है, इन सभी लोगों की समस्याओं को एक ही बिन्दू पर नहीं देखा जा सकता। इनके बारे में अलग-अलग योजनाएं एवं अलग-अलग कानून बनाने की आवश्यकता है।

महोदय, इस बिल में नेशनल स्मॉल एंड मीडियम एंटरप्राइज बोर्ड बनाने की व्यवस्था की गई है, जिसका उद्देश्य देश में छोटे और मझौले उद्योगों का विकास करना, इनमें आने वाली विभिन्न समस्याओं के बारे में विचार करना एवं अपनी रिकमेंडेशन सरकार को देने की बात की गई है। इस बोर्ड की अध्यक्षता केन्द्रीय मंत्री तथा केन्द्रीय मंत्री के प्रतिनिधि, राज्य सरकार के विभागीय मंत्री, केन्द्र तथा राज्य सरकार के विभागीय सचिव, विभिन्न फाइनांशियल इंस्टीट्यूशन्स के प्रतिनिधि जैसे आरबीआई, सिडबी, नाबार्ड, आईबीए के प्रतिनिधि इत्यादि तथा विभिन्न औद्योगिक संगठनों के प्रतिनिधियों को शामिल किया गया है।

**(श्री सभापति पीठासीन हुए)**

महोदय, इस बोर्ड में कुल 100 सदस्य रहेंगे किन्तु औद्योगिक संगठनों से केवल 10 सदस्यों को ही इसमें शामिल किया गया है, जो बहुत कम है। दुसरी तरफ अगर हम देखें तो नौकरशाहों में से 19 सदस्यों को शामिल किया गया है।

महोदय, हमारे यहां विभिन्न प्रकार के छोटे-छोटे उद्योग हैं, उनकी विभिन्न प्रकार की समस्याएं हैं और इनके भिन्न-भिन्न प्रकार के बड़े व छोटे संगठन रहते हैं। मेरा यह मानना है कि इस बोर्ड में जब तक हम सभी को पूरा प्रतिनिधित्व नहीं देंगे, तब तक हम सबकी समस्याओं को समझ नहीं पाएंगे। इसलिए यह आवश्यक है कि इस बोर्ड के अन्दर औद्योगिक संगठनों से और अधिक लोगों को शामिल किया जाए, जिससे उन लोगों की समस्याओं को हम ठीक ढंग से सुन व समझ सकें एवं उनका समाधान भी उचित ढंग से निकाल सकें। महोदय, साथ ही साथ मेरा यह अनुरोध भी है कि इस प्रकार के बोर्ड राज्य स्तर पर भी गठित किए जाएं, जिससे राज्यों के उद्योग भी इसका लाभ उठा सकें।

महोदय, अब उद्योग के क्षेत्र में जो वित्तीय समस्याएं हैं, मैं उनके ऊपर आपका ध्यान आकर्षित करना चाहता हूं। आज इन क्षेत्रों में बैंकों द्वारा अथवा फाइनांशियल इंस्टीट्यूशन्स द्वारा जो आर्थिक सुविधाएं दी गई हैं, जो क्रेडिट फ्लो किया गया है, वह 10-15 प्रतिशत से अधिक नहीं है। अलग-अलग समय पर रिजर्व बैंक ने जो अपनी गाइडलाइन्स दी हैं, आज के जो कॉमर्शियल बैंक हैं, उन गाइडलाइन्स का पूरी तरह से पालन नहीं कर रहे हैं। आज हम देखते हैं कि जितने भी बैंक हैं, वे उद्योगों को कोलैट्रल सेक्योरिटी के लिए कहते हैं। जिन्होंने छोटे-छोटे उद्योग लगाए हुए हैं, जिन लोगों के पास जमीन-जायदाद नहीं होती है, उनके पास कोलेट्रल सेक्योरिटी देने की सुविधा नहीं होती है। रिज़र्व बैंक ने अपनी गाइडलाइन्स में कहा भी है कि 25 लाख तक के लोन में कोलेट्रल सेक्योरिटी की आवश्यकता नहीं है, किन्तु इसके बावजूद भी बैंक इस बारे में रिज़र्व बैंक की गाइडलाइन्स का पूरी तरह पालन नहीं कर रहे हैं।

महोदय, रेट ऑफ इंटरेस्ट के बारे में मैं कहना चाहता हूं कि जो बड़े-बड़े उद्योग हैं, उनको पांच, छः या सात प्रतिशत तक के ब्याज में लोन की सुविधा मिल रही है, किन्तु जो छोटे-छोटे उद्योग हैं, उनको 12 से 15 प्रतिशत तक ब्याज देना पड़ रहा है। रिज़र्व बैंक की गाइडलाइन्स में स्पष्ट रूप से यह कहा गया है कि जो लोन है, वह प्राइम लैंडिंग रेट (पीएलआर) से दो प्रतिशत कम या दो प्रतिशत अधिक से ज्यादा नहीं होना चाहिए, किन्तु सभी बैंक न तो पूरी तरह से इसे मान रहे हैं और न ही इसका पालन कर रहे हैं। इसके अलावा एक और समस्या है। आज जो भी लोन की एप्लीकेशंस होती हैं उनके डिस्पोजल में बहुत देरी होती है। महोदय, एक छोटा उद्योग करने वाला लोन की एप्लीकेशन देने के बाद महीनों तक बैंक के चक्कर काटता है और उसके बाद भी उसका लोन सैंक्शन नहीं होता है और उसको विभिन्न कानूनों के द्वारा बार-बार दौड़ाया जाता है। मेरा यह मानना है कि लोन की एप्लीकेशन पर लोन डिस्बर्समेंट करने के लिए एक समय-सीमा तय होनी चाहिए जिससे लोगों को बार-बार नहीं दौड़ना पड़े। महोदय, माननीय मंत्री जी ने अपने भाषण में यह कहा था, "The credit flow to the small industry will be doubled in five years." 5 साल में दुगुना कर दिया जाएगा और अगर ये दुगुने की बात करते हैं तो the credit flow to the small scale sector यह 20 परसेंट होता है। किन्तु अगर हम टोटल क्रेडिट फ्लो को देखेंगे तो यह आज देश में 30 परसेंट से अधिक हो रहा है। इसका अर्थ यह हुआ कि टोटल क्रेडिट फ्लो में जितना हो रहा है उससे कम लघु उद्योगों में होगा और आज मेरा यह कहना है कि इस बारे में विचार किया जाए और जो 20 परसेंट है इसको बढ़ाया जाए और टोटल क्रेडिट फ्लो पर कम से कम 20 परसेंट छोटे-छोटे उद्योगों का और इस सैक्टर को दिया जाना चाहिए। महोदय, आज अगर जिस प्रकार की वैश्विक अर्थ नीति हो रही है, इन छोटे-छोटे उद्योगों को हम अगर कम रेट में, कम ब्याज पर लोन उपलब्ध नहीं कराएंगे तो आहिस्ता-आहिस्ता ये बंद हो जाएंगे और विश्व के मार्केट में ये अपने आपको प्रतियोगिता में खड़े रख नहीं पाएंगे। इसलिए

4.00 P.M.

इस बारे में भी चिंता करने की आवश्यकता है। महोदय, इस विधेयक में सिक इण्डस्ट्री को रिवाइव करने के बारे में कुछ नहीं कहा गया है। आज ग्लोबलाइजेशन के कारण बहुत से उद्योग बंद हो गए हैं, लाखों की संख्या में उद्योग बंद हो गए हैं और इससे बहुत लोग बेरोजगार हो गए हैं। इन बेरोजगार लोगों को फिर से रोजगार मिल सके, ये सिक इंडस्ट्रीज फिर से रिवाइव हो सकें, इसके लिए कोई योजना इस बिल में नहीं की गई है। मैं मंत्री महोदय से अनुरोध करता हूं कि वे इस बारे में विचार करें और इसके बारे में कोई सुनियोजित योजना की घोषणा भी करें।

**श्री सभापति:** अगर आप जल्दी खत्म कर दें तो अच्छा होगा, क्योंकि आज बहुत बिजनेस है।

**श्री सुरेन्द्र लाठ:** सर, मैं दस मिनट में खत्म कर दूंगा।

**श्री सभापति:** दस मिनट तो बहुत होते हैं। क्या आप जैसा बुद्धिमान आदमी भी दस मिनट लेगा?

**श्री सुरेन्द्र लाठ:** सर, मैं जल्दी खत्म करता हूं।

अभी इस बिल में एक डवलपमेंट फंड क्रिएट करने की बात कही है। मेरा सरकार से अनुरोध है कि यह जो डवलपमेंट फंड है, इसका उपयोग देश के पिछड़े क्षेत्रों में जहां पर छोटे-छोटे उद्योग नहीं हैं, वहां की इंफ्रास्ट्रक्चर आधारभूत व्यवस्था का विकास करने के लिए किया जाए। आज अगर हम देखेंगे तो अधिकांश प्राय: 60 परसेंट से अधिक लघु उद्योग महाराष्ट्र, तमिलनाडु, पश्चिम बंगाल, उत्तर प्रदेश, पंजाब और गुजरात जैसे प्रदेशों में हैं। लेकिन राजस्थान, मध्य प्रदेश, उड़ीसा, बिहार इसमें बहुत पिछड़े हुए हैं। तो डवलपमेंट फंड के द्वारा इन क्षेत्रों में आधारभूत व्यवस्थाओं और सुविधाओं का विकास किया जाए और लघु उद्योगों को बढ़ावा देने के लिए इस क्षेत्र में अधिक आर्थिक व्यवस्था की जाए। महोदय, आज सबसे बड़ी समस्या जो है वह इंस्पेक्टर राज की है। मैं आपका ध्यान आकर्षित करना चाहता हूं, मैं बहुत कम समय में कहना चाहता हूं कि आज एक छोटा उद्योग लगभग 50 प्रकार के कानून का सामना करता है और 64 इंसपेक्टर उस उद्योग के पास जाते हैं। यह एडमिनिस्ट्रेटिव स्टाफ कॉलिज आफ इंडिया, हैदराबाद की एक स्टडी के समय में कहा है। फिक्की ने अपने अध्ययन के माध्यम से कहा कि 19 इंसपेक्टर लेबर डिपार्टमेंट के जाते हैं, 25 इंसपेक्टर गवर्निंग मेन्युफेक्चरिंग के लिए आते हैं, 18 इंसपेक्टर पौल्यूशन कंट्रोल वाले आते हैं, और 6 इंसपेक्टर एक्साइज और सेल्स टैक्स वाले आते हैं। इसके अलावा भी 50 प्रकार के रिटर्न फाइल करने पड़ते हैं। महोदय, एक छोटे उद्योग का मालिक खुद ही प्रोडक्शन संभालता है, खुद ही इसका फाइनेंस देखता है, खुद ही मार्केटिंग देखता है। इसके अलावा उसे प्रोक्योरमेंट ऑफ रॉ-मेटीरियल भी देखना होता है। इन सबके बाद इतने प्रकार के इंसपेक्टरों को झेलना क्या संभव है? इतने प्रकार की सरकार फार्मेलिटीज को देखना उसके ऊपर भारी बोझ होता है।

इस इन्सपैक्टर राज से केवल भ्रष्टाचार को बढ़ावा मिलता है, सरकार को भी इससे कोई लाभ नहीं मिलता है। महोदय, इस बिल में सैक्शन 15 तथा सैक्शन 16 में कुछ छूट देने की बात कही गई है तथा कुछ को प्रदेश सरकार के ऊपर छोड़ा गया है, किन्तु इन छूटों से कोई विशेष लाभ नहीं होने वाला है। इस कानून में स्पेसिफिक कुछ नहीं बताया गया है। इसमें सेल्फ सर्टिफिकेशन तथा सेल्फ रेगुलेशन की बात कही गई है, इसको किस तरह से लागू किया जायेगा, क्या इसे मंत्री महोदय स्पष्ट करेंगे। जितने प्रकार के फार्म्स या रिटर्न फाइल किये जाते हैं, इस कानून को लागू किये जाने पर इसमें किस प्रकार की कमी आयेगी, इसकी तरफ मंत्री महोदय ध्यान देंगे।

महोदय, मैं इस विधेयक के चैप्टर 4 के क्लॉज 2, प्रोक्योरमेंट प्रिफरेंस पॉलिसी के बारे में कुछ बातें कहना चाहता हूं। इसमें केन्द्र सरकार और राज्य सरकार समय-समय पर नोटिफिकेशन कर सकती है जिसमें प्रोक्योरमेंट प्रिफरेंस देने के बारे में बात कही गई है, किन्तु इस बात में स्पेसिफिक कुछ नहीं कहा गया है, कोई व्यवस्था नहीं की गई है। मैं आपका ध्यान अमेरिका में जो कानून है, उसकी तरफ दिलाना चाहता हूं। अमेरिका एक विकसित राष्ट्र है। उसमें कानून बनाया गया है और कानून में, Small Business Administration ensures that the procurement preference target set by the Government is made 23 per cent for small businessmen, 5 per cent for small disadvantaged business, 5 per cent for women-owned small business, 3 per cent service disabled, veteran-owned, etc. In China, article 36 of the law of the Republic of China on promoting SMEs States that in Government procurement a fixed proportion of goods and services shall be purchased from SMEs. इस प्रकार की व्यवस्था की गई है। किन्तु इस अधिनियम में इस बारे में कोई टारगेट या पूरी व्यवस्था नहीं की गई है, इस बारे में मंत्री महोदय का ध्यान मैं आकर्षित करना चाहता हूं।

महोदय, मैं आपका ध्यान अब एक ऐसी समस्या की ओर दिलाना चाहता हूं जिसके कारण बहुत सारे उद्योग बंद हो रहे हैं, वह है डिलेड पेमेंट। चैप्टर 6 के सैक्शन 18 में डिलेड पेमेंट के बारे में, ब्याज के बारे में तथा पेमेंट न मिलने के बारे में कहा गया है। सैक्शन 20 में Industry Facilitation Council के माध्यम से dispute settlement की बात कही गई है। Industry Facilitation Council के अधिकार केवल अपना जजमेंट देने तक सीमित है, Indian Arbitration and Conciliation Act 1966 के अधिकार उनको दिए गए हैं, किन्तु इसको रिकवरी का अधिकार नहीं है तथा इसके लिए फिर से उनको कोर्ट में जाना पड़ता है और डिस्ट्रिक्ट कोर्ट में इसकी अपील भी करते हैं। मेरा सरकार से अनुरोध है कि Industry Facilitation Council को और अधिक अधिकार दिये जाएं तथा इसकी अपील केवल हाई कोर्ट में हो सके, इसकी व्यवस्था की जाये।

महोदय, बहुत सारे उद्योग, विशेषकर सरकारी उद्योग जो छोटे-छोटे उद्योगों से प्रोक्योरमेंट करते हैं, वे उनका भुगतान ठीक समय पर नहीं कर पाते हैं, कई सालों तक पेंडिंग रहते हैं तथा कई

लिटिकेशन के कारण कोर्ट में पेंडिंग रहते हैं। इस कारण बहुत से उद्योग, आर्थिक अव्यवस्था के कारण बंद हो जाते हैं। यह एक गंभीर समस्या है, इसके बारे में सरकार गंभीरता से विचार करे।

महोदय, मैं इस अधिनियम को लाने के लिए सरकार को धन्यवाद देता हूं, किन्तु यह अधिनियम अधूरा है। इसके द्वारा एसएमई की तथा छोटे उद्योगों की समस्याओं का समाधान नहीं हो सकेगा। लेकिन मैं यह मानता हूं कि यह एक शुरुआत है, आगे और अच्छा होगा। मंत्री महोदय इसमें आवश्यक संशोधन करेंगे तथा इसे और अधिक कारगर बनायेंगे। देश के विकास में छोटे और मझोले उद्योगों की एक महत्वपूर्ण भूमिका है। इन्हीं बातों को ध्यान में रखते हुए सरकार गंभीरता से विचार करे। इन्हीं बातों के साथ, मैं अपनी बात को समाप्त करता हूं। धन्यवाद।

DR. K. MALAISAMY: Mr. Chairman, Sir, I will unusually brief, particularly, after knowing the mood of the House and the constraint of time warranted by you. The entire House is fully aware that the tiny sector and the small-scale industrial sector are playing a very vital and substantial role in terms of economy, in terms of employment, in terms of industrial production and in terms of exports. As such, they play a very vital role. Everybody knows that the tiny sector and the small-scale sector are playing a vital role. But many times, for want of adequate, protection, promotion, growth and development, many of the tiny and small scale industries fell sick.

In such a situation, a Bill of this nature, with a laudable objective, is most welcome. I am also happy to hear that they have comprehensively thought of bringing in legal framework to promote the growth and development of this sector and medium scales sector and enhance its competitiveness.

Secondly, the Bill has envisaged setting up facilities for credit guarantee and to give certain extra concessions and sops. As such, I am happy that it has come with a laudable objective. In fact, after listening to Shri Sudarsana Natchiappan and Dr. Alexander, my job has become pretty easy. Instead of looking upon the plus points more. I can concentrate about the grey areas or the minus points that need to be addressed. My first and foremost point is that the tiny and small scale sector have been totally neglected. This is the way I look at it, particularly, in the light of liberalisation, privatisation and globalisation. Sir, as the hon. House is fully aware, when China was faced with a challenge of liberalisation and globalisation, they went all out to make a special policy to protect this kind of sector. I am sorry to say that this kind of a policy initiative is not forthcoming from our Government. As such, I am inclined to agree with

Dr. Alexanderji that a special provision, exclusively for promotion and protection of the small scale and the tiny sector, is necessary. On the other hand, by combining the small scale and the tiny sector with the medium sector, the total purpose is lost. So, Sir, my point is that the neglect of small scale sector and the tiny sector has to be corrected. Now I come to my second point is—I thought our Communist colleagues will take care of this problem—that the labour laws are being exempt as far as this area is concerned. How can they do it? So, my second point is that the interests of the labour, particularly, the organised sector, have not been taken care of in the Bill.

Then, Sir, the Bill envisages constitution of the National Board, the Advisory Committee and the Facilitation Council. There is a popular saying in the bureaucracy, "if you want to kill a decision, refer the matter to a committee." so this is the way you have thought of Advisory Committee and Boards. Whatever may be the structure of the Board, they have no mechanism to see how it is going to be coordinated and how it is going to be reviewed. As per the provision, they have said that it will be convened once in three months. But they have not spelt out that mechanisms they are going to follow. Maybe, at the time of framing of rules and procedure, they will take care of it. Further this is only a recommendatory body, an advisory body, but not a decision making body.

Sudarsana Natchiappan has been praising left and right about it, the National Board and the Committee. But we have to wait and see how it is going to practically function.

Finally, coming to classification, they have classified the enterprises into micro enterprises, small scale enterprises, medium scale enterprises, etc. Now, we cannot come before Parliament every time for an amendment that the celing must go from Rs. 10 crores or Rs. 20 crores. There should be an in-built mechanism in the law so that it can table care of itself. Thank you, Sir.

**श्री महावीर प्रसाद:** आदरणीय सभापति, महोदय, एक ऐसे महत्वपूर्ण विधेयक पर इस माननीय सदन में सभी विद्वान, अनुभवशील व्यक्तियों ने, सांसदों ने भाग लिया। श्रीमन्, यह पहला मौका है कि इस प्रकार का एक विधेयक सूक्ष्म, लघु और मध्यम उद्योग के लिए आया है। इससे पहले जो D and R एक्ट 1951 था, उसके आधार पर था। यह विधेयक माननीय सदन में विस्तृत रूप से लाया गया है। इस पर पहले सांसद, तपन कुमार सेन जी ने कई बिन्दुओं पर अपने विचार प्रकट किए है। मैं इनको विश्वास दिलाना चाहता हूं कि जिन-जिन बिन्दुओं पर WTO के

विषय में, ऋण क्रेडिट के विषय में, आरक्षण और अनारक्षण के विषय में, विभिन्न बिन्दुओं और पहलुओं पर विचार रखे हैं। श्रीमन् मैं आपके माध्यम से उनको आश्वस्त कराना चाहता हूं कि नीति बनाते समय हम उन बिन्दुओं को देखेंगे। सदन के दूसरे माननीय सदस्य श्री सुदर्शन नाच्चीयप्पन ने भी विभिन्न पहलुओं पर और विभिन्न बिन्दुओं पर अपनी बात रखी है। जो उनकी राय है, बिन्दू हैं और जो सुझाव हैं, हमने उन सभी को नोट कर लिया है। इस बारे में जो भी हो सकता है, हम उन पर विचार करेंगे। जिन्होंने लघु उद्योग में काफी महत्वपूर्ण काम किए हैं, जो हमारे पुराने मित्र हैं और जो हमारे यहां SSI में डेवलपमेंट कमिश्नर भी रहे हैं, माननीय श्री अलेक्जेन्डर जी हैं। इन्होंने सूक्ष्म, लघु और मध्यम उद्योगों में जो वर्गीकरण की बात कही है, मीडियम इन्टरप्राइजेज के बारे में जो उनका विचार है, वे चाहते हैं कि हम इनको देखें। इन बिन्दुओं पर विचार करते समय, उन्होंने स्वयं कहा है कि हम नीति बनाएं। जो हमारा राष्ट्रीय बोर्ड बन रहा है, उस राष्ट्रीय बोर्ड के आधार पर जो हमारी राष्ट्रीय सलाहकार समिति बनेगी, हम उसमें उनके हर एक बिन्दु पर विचार करेंगे। सभी माननीय सदस्यों को मालूम है कि आज अति लघु उद्योगों व मध्यम उद्योग, उद्योग जगत में एक महत्वपूर्ण स्थान रखता है। जब हमारी यूपीए सरकार बनी थी तब हमने नेशनल कॉमन मिनिमम प्रोग्राम तय किया था, उसमें हमने यह संकल्प लिया था कि हम इस विधेयक का लाएंगे। इसलिए मैं मानीय अलेक्ज़ेन्डर जी से कहना चाहूंगा कि उनके विचारों पर सहमति प्रकट करते हुए, हम समय पर विचार करेंगे। इसके बाद सुरेन्द्र नाथ जी ने इस माननीय सदन में बहुत विस्तृत रूप से, हर बिन्दु पर अपनी बात रखी है। श्रीमन् मैं संक्षेप में आपके माध्यम से इस माननीय सदन को और माननीय सदस्य से कहना चाहूंगा कि जिन-जिन विषयों पर उन्होंने अपनी राय या विचार दिया है, हम उस समय, चाहे एडवाइजरी बोर्ड के द्वारा या जब हम राष्ट्रीय बोर्ड बनाएंगे, जो भी इन्होंने जिक्र किया है और भी जो बहुत सी चीजें है, जब हम विचार करेंगे, इसके माध्यम से हम क्या कर सकते हैं, तब उस वक्त हम विचार करके, देखेंगे। अंत में, मलयसामी जी ने बड़ा ही सारगर्भित विचार रखा है। श्रीमन् में आपके माध्यम से मैं उनसे कहना चाहूंगा कि लघु उद्योग और मध्यम उद्योग के संदर्भ में, जो उनकी राय है, इस पूरे विधेयक में, सारे बिन्दुओं पर स्पष्ट शब्दों में बताया गया है, हम देखेंगे कि जहां पर किसी भी प्रकार के ऋण के संदर्भ में, बीमार यूनिट के संदर्भ में, सिकनेस के संदर्भ में, लेन-देन के संदर्भ में और पेमेंट के संदर्भ में, जितने बिन्दुओं पर भी विचार किया गया है, उन पर हम विचार करेंगे और एक सम्यक रूप में विचार करने के उपरांत, इनके कहने के अनुसार, जो भी हो सकेगा, हम करेंगे। हम यह मानते हैं कि उद्योग जगत में आज भी लघु उद्योग की 39 प्रतिशत हिस्सेदारी हमारी है।

सभापति महोदय, 39 प्रतिशत हिस्सा लघु उद्योग का है और उसी प्रकार से जब हम निर्यात जगत की ओर देखते हैं, तो लघु उद्योग की हिस्सेदारी 34 प्रतिशत की है। हम दृढ़ इच्छा शक्ति से माननीय सदन को बताना चाहते हैं कि WTO के आधार पर, globalisation के आधार पर,

विश्व व्यापार के आधार पर, वैश्वीकरण के आधार पर, लघु उद्योगों को इस प्रतिस्पर्धा में आगे बढ़ाने के लिए हमारी सरकार दृढ़ संकल्प है और हम माननीय सदन से आग्रह करेंगे कि यह सदन सर्वसम्मति से इस बिल को पारित करे, ताकि हम औद्योगिक जगत में लोगों को रोजगार दें सकें, उन्हें आगे बढ़ा सकें और गरीबी को मिटा सकें। हमारी आपके माध्यम से माननीय सदन से विनती है, विनम्रतापूर्वक आग्रह है कि इस विधेयक को पारित किया जाए।

**श्री सभापति:** मंत्री महोदय, आपको बहुत-बहुत धन्यवाद, आपने सबको आश्वासन दे दिया ..... इन्होंने सबको आश्वासन दे दिया। मंत्री जी, आप ये आश्वासन लिख लें, अन्यथा कभी आप संकट में पड़ जाएंगे कि ये आश्वासन दिए थे और मुकर नहीं पाएंगे।

The question is:

"That the Bill to provide for facilitating the promotion and development and enhancing the competitiveness of micro, small and medium enterprises and for matters connected therewith or incidental thereto, as passed by Lok Sabha, be taken into consideration.

*The motion was adopted.*

MR. CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 to 32 were added to the Bill.*

*Clases 1, the Enacting Formula, the Preamble and the Title were added to the Bill.*

**श्री महावीर प्रसाद:** महोदय, मैं प्रस्ताव करता हूं:

कि इस विधेयक को पारित किया जाए।

*The question was put and the motion was adopted.*

## The Constitution (One Hundred and Fifth Amendment) Bill, 2006

MR CHAIRMAN: Now, we take up the Constitution (One hundred and Fifth Amendment) Bill, 2006.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SHRIPRAKASH JAISWAL): Sir, I move: